

REMARKS

This application has been reviewed in light of the Office Action dated April 29, 2009. Claims 1-17, 19, and 20 are presented for examination, of which claims 1, 15, and 17 are in independent form. Claims 1 and 10 have been amended to define Applicants' invention more clearly. Claims 2-5, 15, and 16 have been amended solely as to matters of form. Applicants request favorable reconsideration.

Claims 1-7, 9-12, 14, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,671,358 to Seidman et al. ("Seidman") in view of U.S. Patent No. 6,185,307 to Johnson Jr. ("Johnson") and further in view of newly-cited U.S. Patent No. 4,268,715 to Atalla ("Atalla"). Claims 8 and 13 stand rejected under § 103(a) as being unpatentable over *Seidman* in view of *Johnson* and *Atalla* and further in view of official notice. Claims 15 and 16 stand rejected under § 103(a) as being unpatentable over *Johnson* in view of *Atalla*. Claim 17 stands rejected under § 103(a) as being unpatentable over *Johnson* in view of *Seidman* and further in view of *Atalla*.

Applicants submit that amended independent claims 1 and 15 and previously-presented independent claim 17, together with the claims depending from them, are patentably distinct from the cited art for at least the following reasons.

Independent claim 1 recites a system for securing a radio frequency (RF) transaction. The system comprises an RF identification (RFID) transaction device operable to send an RF transmission. The transaction device includes a transaction device random number generator for generating a transaction device random number. As amended, claim 1 expressly recites that the transaction device random number generator is located at the transaction device. As discussed throughout Applicants' published specification including, for example, at paragraph [0049], a random number generated by a

transaction device can be passed to an account issuer, who then may use the number to validate the transaction device. Thus, by generating the random number at the transaction device, validation information need not be provided by another device, such as a merchant point-of-sale (POS) device or reader.

In rejecting claim 1, the Office Action relies on *Seidman* to teach an RFID transaction device. *Seidman* discloses several particular RFID devices, including debit cards, credit cards, and proprietary Speedpass and E-ZPass technologies. However, the Office Action acknowledges that *Seidman* fails to teach any of the elements of the claimed transaction device, including a transaction device random number generator. For a teaching of the random number generator, the Office Action cites to *Johnson* at column 10, lines 38-41. In that passage, *Johnson* discloses that a POS device can generate a random number and send it both to a tag unit (e.g., a transaction card or a key fob) and to host network. The tag unit then encrypts the random number and returns it to the POS device together with the ID of the tag.

The cited art does not teach, suggest, or render obvious an RFID transaction device including a transaction device random number generator located at the transaction device, as recited in claim 1. In *Johnson*, a random number is generated at a POS device and passed to a non-RFID transaction device. Thus, while *Johnson* may teach that a transaction device receives the random number, it fails to teach that the transaction device generates the number. Moreover, while perhaps teaching an RFID transaction device, *Seidman* discloses only that a random number is generated at a gaming server. Thus, a combination of *Johnson* with *Seidman*, even if permissible, results only in an RFID transaction device that receives a random number from a POS device. The combination does not yield an RFID device including a random generator located at the device itself.

Furthermore, the secondary citation to *Atalla* fails to compensate for the deficiencies in *Johnson* and *Seidman* because *Atalla* does not even contemplate an RFID transaction device. Therefore, Applicants submit that claim 1 is patentable over all of the cited art, whether that art is taken alone or in combination.

Independent claims 15 and 17 recite features similar to those discussed above in connection with claim 1. Thus, the reasoning set forth there also is applicable to these claims. Accordingly, Applicants submit that claims 15 and 17 also are patentable over all of the cited art.

The remaining claims depend either directly or indirectly from one of independent claims 1, 15, or 17. Thus, each of these claims is patentable at least owing to its respective dependency. Because each dependent claim defines an additional aspect of the invention, Applicants respectfully request individual reconsideration of the patentability of each claim on its own merits.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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